

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK BANKS, #05711-068

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv132-DCB-MTP

HARLEY LAPPIN, BRUCE PEARSON
and ERIC HOLDER

RESPONDENTS

ORDER

This matter is before the court, *sua sponte*. The petitioner has named as respondents Harley Lappin, Bruce Pearson and Eric Holder. Having reviewed the instant petition for habeas relief filed pursuant to 28 U.S.C. § 2241, this court finds that the proper party respondent is the petitioner's custodian, Bruce Pearson, Warden - FCI Yazoo, where the petitioner is presently incarcerated. *See* 28 U.S.C. § 2243. Therefore, respondents Lappin and Holder will be dismissed.

Furthermore, based on the arguments presented by the petitioner in the instant civil action, respondent Pearson will be directed to file an answer. Therefore, it is

ORDERED AND ADJUDGED:

1. That **Harley Lappin and Eric Holder** are dismissed as respondents.
2. That the respondent, **Bruce Pearson**, file an answer in this cause within 20 days of the service of a copy of this order.
3. That the United States District Clerk is hereby directed to issue summons to **Bruce Pearson**, Warden, FCI - Yazoo City, P.O. Box 5050, Yazoo City, Mississippi 39194.
4. That the clerk of this court shall serve, *by certified mail*, a copy of the summons, petition filed herein and a copy of this order upon **Civil Process Clerk**, Office of the United

States Attorney for the Southern District of Mississippi, 188 E. Capitol St., Suite 500, Jackson, Mississippi 39201; **Attorney General of the United States**, at 10th Street & Constitution Avenue, Washington, D.C. 20530; and **Bruce Pearson**, Warden, FCI - Yazoo, P.O. Box 5050, Yazoo City, Mississippi 39194.

5. That the clerk of this court shall also serve a copy of this order upon **petitioner** by mailing same to petitioner's last known address.

This the 15th day of September, 2009.

s/David Bramlette

UNITED STATES DISTRICT JUDGE